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2 UNITED STATES DISTRICT COURT  
3 EASTERN DISTRICT OF VIRGINIA  
4 ALEXANDRIA DIVISION

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4 UNITED STATES OF AMERICA, )  
5 v. ) Case No. 1:11-cr-116  
6 THOMAS J. ERNST, ) Alexandria, Virginia  
7 Defendant. ) April 1, 2011  
8 ) 9:00 a.m.  
9 )

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10 TRANSCRIPT OF ARRAIGNMENT  
11 BEFORE THE HONORABLE CLAUDE M. HILTON  
12 UNITED STATES DISTRICT JUDGE  
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19 APPEARANCES:

20 For the United States: Thomas J. Krepp, Esq.  
21 Marla Tusk, Esq.

22 For the Defendant: Peter L. Goldman, Esq.  
23 Defendant Thomas J. Ernst,  
24 in person

25 Court Reporter: Tracy L. Westfall, RPR, CMRS, CCR

Proceedings reported by machine shorthand, transcript produced  
by computer-aided transcription.

## P R O C E E D I N G S

THE CLERK: Case No. 11-cr-116, *United States of American v. Thomas Ernst*.

MR. KREPP: Good morning, Your Honor. Thomas Krepp and Marla Tusk on behalf of the United States.

MR. GOLDMAN: Good morning, Your Honor. Peter Goldman on behalf of Mr. Ernst.

THE COURT: Mr. Goldman.

MR. GOLDMAN: We're here for arraignment, Your Honor.

THE COURT: All right. You want to arraign the defendant.

You want a formal arraignment? Have you received a copy of the indictment?

MR. GOLDMAN: Yes, Your Honor. At this time we'll waive further reading and enter a plea -- I have reviewed the indictment with my client. We will waive further reading, enter a plea of not guilty, and request the right to a jury.

I have explained to my client his right, the Speedy Trial Act, and his right to the speedy trial date, I believe, would be some time, I believe, toward the end of May. With that knowledge in mind, after being fully briefed by me, my client waives his right to a speedy trial. We will be asking for a trial date, Your Honor, at the end of July or beginning of August.

THE COURT: Why do you need to set it that far off?

1           MR. GOLDMAN: Your Honor, it is. This is a financial  
2 fraud, tax fraud case, that's what the allegations are. The  
3 government informs me that there are, as far as discovery goes,  
4 there will be an initial round of discovery at their offices,  
5 which I've already arranged, but apparently, there are a  
6 substantial amount of documents at the IRS offices in Bailey's  
7 Crossroads, which it's probably going to require me a few  
8 sessions to go out there, review, get those organized, order  
9 copies.

10           There's a possibility, Your Honor, in the case that I  
11 may apply to the Court for the expert assistance of a forensic  
12 accountant or some kind of forensic expert to assist in the  
13 defense. To put it sort of inelegantly, Your Honor, this is not  
14 a -- this it not your standard drug conspiracy case. This is a  
15 financial fraud case involving thousands and thousands of  
16 documents.

17           Based on my -- based on my schedule, and I think what  
18 I've just mentioned, and to zealously represent my client to be  
19 sure that we are prepared for trial, I believe we need until the  
20 end of July or beginning of August to try this case.

21           THE COURT: All right. Well, I'll give you the end of  
22 July. What date you looking at?

23           MR. GOLDMAN: Your Honor, I believe one of the  
24 government attorneys has a trial on July 20th, if I'm correct,  
25 for a week. So assuming -- what was your last name? I believe

1 Ms. Finley goes to trial on July 20th. 28th, 29th -- Your  
2 Honor, I would request the date, if it's available to the Court,  
3 of Tuesday, August 2, for this trial.

4 THE COURT: Is that agreeable with the government?

5 MR. KREPP: Yes, Your Honor.

6 THE COURT: All right. August the 2nd with a jury.

7 File any motions you have to file. I'll give 30 days for  
8 motions.

9 When do you want to argue those?

10 MR. GOLDMAN: I would say maybe Friday, July 15th, Your  
11 Honor.

12 THE COURT: July 15th for motions, if any, are filed.

13 Has there been a bond set in this case?

14 MR. GOLDMAN: There has been, Your Honor.

15 THE COURT: All right. Bond be continued.

16 MR. GOLDMAN: Thank you, Your Honor.

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18 (Proceedings concluded at 9:06 a.m.)  
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CERTIFICATION

I certify, this 6th day of February 2012, that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter to the best of my ability.

/s/

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Tracy Westfall, RPR, CMRS, CCR